

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

BASITO INVESTMENTS, LLC,

Plaintiff,

vs.

MARTIN W. RIVERS,

Defendant.

Case No. 16-CV-494-FHM

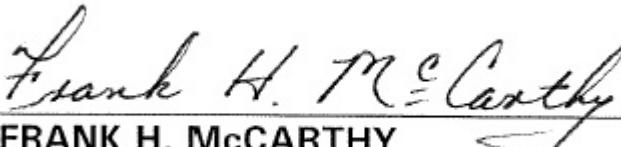
**OPINION AND ORDER**

The pretrial conference in this case was scheduled for September 11, 2017, at 10:00 am. [Dkt. 18]. On September 11, 2017, counsel for the Defendant appeared, neither Plaintiff nor his counsel appeared at the pretrial conference.

The failure to appear at the pretrial conference is one of several failures to adhere to the court's pretrial orders in this case. August 25, 2017 was the deadline for submission of proposed findings of fact and conclusions of law, none were submitted. August 28, 2017 was the deadline for submission of the pretrial order and final witness and exhibit lists, none were submitted. On August 29, 2017, the court entered an order pointing out these failures and directing the parties to make those submissions on or before September 1, 2017. The order warned that failure to comply would result in dismissal of the case. [Dkt. 37]. Witness and exhibit lists were submitted, but no pretrial order was submitted.

The court finds that it is appropriate to dismiss this case under Fed.R.Civ.P. 16(f)(1)(A), (C) for the failure of Plaintiff to appear at the pretrial conference. The case is DISMISSED without prejudice to refiling, and the trial set for September 18, 2017 is STRICKEN.

SO ORDERED this 11th day of September, 2017.

  
**FRANK H. McCARTHY**  
**UNITED STATES MAGISTRATE JUDGE**